

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Ex Parte: Establishment of  
Carrier Performance Standards for  
Verizon Virginia Inc.

CASE NO. PUC010206

STAFF MOTION TO ESTABLISH CARRIER PERFORMANCE STANDARDS FOR  
VERIZON VIRGINIA INC. AND FOR ORDER PRESCRIBING NOTICE AND  
PROVIDING FOR COMMENT OR REQUEST HEARING

The Staff of the State Corporation Commission ("Commission"), pursuant to 5 VAC 5-20-100 of the Commission's Rules of Practice and Procedure moves the Commission to consider the establishment of carrier performance measurements and standards for Verizon Virginia Inc. ("Verizon Virginia") based on the recommendations of the Collaborative Committee.<sup>1</sup> Staff further moves the Commission to issue a procedural order prescribing public notice of the proposed carrier performance measurements and standards to be given to all interested persons and providing an opportunity to file comments and/or requests for hearing.

**Background**

On March 2, 2000, the Commission established the Collaborative Committee and directed that its initial undertakings be the establishment of performance standards and

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<sup>1</sup> See Ex Parte: *Establishment of a Collaborative Committee to investigate Market Opening Measures*, Case No. PUC000026, 2000 S.C.C. Ann. Rpt. 302, 303 for establishment of Collaborative Committee.

remedies for Verizon Virginia Inc. ("Verizon Virginia") and Verizon South Inc. ("Verizon South").<sup>2</sup> The Director of the Communications Division convened the Collaborative Committee and empaneled the Performance Standards/Remedy Plans Subcommittee ("Subcommittee") to consider performance standards and remedies. The Subcommittee has first addressed performance standards and remedies to be applicable to Verizon Virginia.

### **Performance Standards**

The Subcommittee, chaired by Deputy Director, Kathleen Cummings, has convened via teleconference on nearly a monthly basis over the past year to discuss the development of service performance standards for Verizon Virginia's provisioning of interconnection services to competitive local exchange carriers ("CLECS"). A number of CLECS and interested parties have been represented on this Subcommittee<sup>3</sup>.

The Subcommittee agreed to utilize the New York Carrier-To-Carrier Guidelines ("NY Carrier-To-Carrier Guidelines"), approved by the New York Public Service Commission<sup>4</sup> as the basis

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<sup>2</sup> Formerly, Bell Atlantic-Virginia, Inc., and GTE South Incorporated.

<sup>3</sup> These include the following: Verizon Virginia; Verizon South; WorldCom, Inc.; U.S. LEC; Broadslate; AT&T Communications; Covad; Z-Tel Communications; Alltel Communications, Inc.; Cox Virginia Telcom Inc.; Network Access Solutions; NTELOS; Cavalier Telephone LLC; and KMC Telecom. Also participating is the Office of Attorney General, Division of Consumer Counsel and other Commission Staff members.

<sup>4</sup> See the following orders of the New York Public Service Commission in Case 97-C-0139: *In re Proceeding on Motion of Commission to Review Service Quality Standards for Telephone Companies*, 1998 WL 214903 (3/16/98); *In re Review Service Quality Standards for Telephone Companies*, 1999 WL 719844

for Verizon Virginia's performance standards, adapted to certain state-specific modifications or metrics. The Subcommittee further agreed to an ongoing filing procedure to revise Verizon Virginia's performance standards, based upon subsequent changes to the NY Carrier-To-Carrier Guidelines and further recommendations of the Subcommittee or other parties.

The Subcommittee addressed numerous disputed and unresolved issues in applying the NY Carrier-To-Carrier Guidelines to Virginia. Numerous documents were exchanged electronically and many were posted to the Subcommittee's website.<sup>5</sup> To date, the Subcommittee has reduced the contested issues to seven. Attachment A to this motion is the agreed performance standards for Verizon Virginia ("Verizon VA Carrier-To-Carrier Guidelines")<sup>6</sup>. A description of the seven remaining unresolved issues is set out in the matrix, attached to Staff's Motion as Attachment B.

The Subcommittee prepared a statement describing the reasons the Commission should establish a set of Verizon VA

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(6/30/99); *In re Review Service Quality Standards for Telephone Companies*, 1999 WL 1276830 (11/5/99); *In re Review Service Quality Standards for Telephone Companies*, 1999 WL 358649, 199 P.U.R. 4th 116 (2/16/00); *In re Service Quality Standards for Telephone Companies*, 2000 WL 1793146, 204 P.U.R. 4th 297 (10/06/00); *In re Provision of Digital Subscriber Line Services*, 2000 WL 33158570 (10/31/00); *In re Review Service Quality Standards for Telephone Companies*, 2000 WL 33283696.

<sup>5</sup> <http://www.state.va.us/scc/division/puc/ccimom.htm>.

<sup>6</sup> The unresolved items from the Subcommittee are identified as such in the Verizon VA Carrier-To-Carrier Guidelines provided as Attachment A.

Carrier-To-Carrier Guidelines based on the existing NY Carrier-To-Carrier Guidelines with certain modifications, and a proposed procedure for adopting future modifications, which is attached hereto as Attachment C.

### **Proposed Comment Cycle**

The Staff proposes that all interested persons be given an opportunity to file written comments and/or request a hearing on the Verizon VA Carrier-To-Carrier Guidelines, the remaining unresolved issues, the proposed procedure for ongoing modifications and Verizon Virginia's proposed implementation schedule<sup>7</sup>. The Staff suggests an initial comment cycle for all interested persons to file within twenty-one (21) days of the Commission's order, and that all persons be granted an additional ten (10) days to file comments in reply to initial comments.

### **Remedy Plan**

The Subcommittee has also extensively discussed the implementation of a performance assurance plan ("PAP") that would assess financial "penalties" when Verizon Virginia does not meet the standards set forth in the Verizon VA Carrier-To-Carrier Guidelines. Several PAP proposals were submitted to the Subcommittee for consideration and some movement was made on

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<sup>7</sup> Verizon Virginia has agreed to shortly file in this docket a proposed time schedule for implementing the reporting of the various measurements in the Verizon VA Carrier-To-Carrier Guidelines.

narrowing the differences among the participants. However, despite all the participants' considerable efforts, the Subcommittee recognizes that the differences in the proposed PAPs are significant and an agreement regarding a PAP is unlikely to be achieved through the collaborative process. Therefore, the Subcommittee recommends that the Commission establish a separate proceeding to consider a PAP for Verizon Virginia and establish a procedural schedule for the proceeding (including a schedule for submission of PAP proposals, comments, reply comments and requests for hearing). Such a proceeding should allow interested parties to submit PAP proposals for the Commission's consideration.

WHEREFORE, the Staff requests the Commission to consider the Verizon VA Carrier-To-Carrier Guidelines and issue an order prescribing notice to all interested persons and establishing a schedule for filing comments or requests for hearing. The Staff further requests the Commission to allow the service of this Motion and Attachments on the Subcommittee participants by electronic mail as permitted pursuant to 5 VAC 5-20-140.

Respectfully submitted,

The Staff of the  
State Corporation Commission

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